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Held at the Palais des Nations, Geneva,
on Tuesday, 23 January 1996, at 3 p.m.

Chairperson: Mrs. EUFEMIO

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FINLAND

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The meeting was called to order at 3.20 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Finland (CRC/C/8/Add.22; CRC/C.11/WP.6)

1. At the invitation of the Chairperson, Mrs. Hansson, Mr. Lähteinen, Mr. Littunen, Mrs. Heiliö, Mrs. Kaivosoja and Mrs. Pietarinen (Finland) took places at the Committee table.

2. The CHAIRPERSON invited the Finnish delegation to introduce the initial report of Finland (CRC/C/8/Add.22). She noted that the Finnish Government had provided the Committee with written replies to the questions on the list CRC/C.11/WP.6 and that those replies had been distributed without a symbol during the meeting.

3. Mrs. HANSSON (Finland) said that Finland had ratified and given the Convention force of law in 1991. After the Second World War, much had been done in Finland to improve the status of the rights of the child. In 1948, a system of family allowances had been introduced in Finland in order to provide financial assistance for families. It should be noted that, in 1937, the public authorities had introduced the maternity allowance in the form of the free issue of clothing and other sanitary articles needed by future mothers attending maternity clinics for examinations. In Finland, 80 per cent of mothers of children under 18 years of age were in full-time employment and, consequently, the nursery school and primary and secondary education systems, as well as the health and social assistance services, had to be adapted to that situation.

4. The system of assistance for young children was one of the best in the world. Mothers were entitled to maternity leave for almost one year after giving birth and had the right to reinstatement in their job immediately after that leave, which could be extended until the child reached the age of three years. Since the beginning of 1996, parents with children under three years of age could place them in a municipal nursery school and, having done so, were entitled to an allowance. The municipalities, the State and the parents subsidized that service, which was free of charge for low-income families. About 10 per cent of the overall health care and social security system was financed by the users.

5. The municipalities also supervised the health care of future mothers and children under school age. Children attending school received free health and dental care. Health services were also free of charge for children under 15 years of age. As a result, the maternal and infant mortality rates in Finland were among the lowest in the world and the social security system created favourable conditions for the healthy development of children. By virtue of family planning and sex education, most children in Finland had been wanted by their parents and cases of teenage pregnancy were rare. Consequently, there were no abandoned or vagrant children. Primary education was compulsory and free of charge for children over seven years of age and lasted for nine years. Meals taken in school cafeterias were free of charge.

Secondary education and vocational training, as well as university education, were usually free of charge and students could be awarded scholarships. The education system was financed by income taxes.

6. Finnish legislation concerning children was based on the concept of the child as a person in his or her own right. Accordingly, the child's opinion was taken into consideration on all questions of concern to him or her, in the light of his or her age and maturity. The principle of the best interests of the child guided all public activities relating to children and, in particular, juvenile delinquents. In Finland, it had long been believed that juvenile delinquents should form the subject of social welfare measures rather than criminal convictions. Moreover, every effort was made to avoid sentencing them to fixed terms of imprisonment. Following a legal reform that had entered into force at the beginning of 1990, the number of minors in detention had dropped from 34 in 1989 to only 6 in 1995. Furthermore, the constitutional reform relating to fundamental rights, which had been introduced in August last year, paid particular attention to the rights of children and provided assistance for persons on whom they were dependent. Hence, children were treated on an equal footing with adults. In addition, the law made provision for a minimum income for persons supporting a child.

7. A report on policy in respect of children, which evaluated the law on child protection, the scope of the amendments made thereto and the need to increase that protection, had recently been brought before the Parliament. It took account not only of the aims of the Convention, but also of the report that Finland had submitted to the Committee on the Rights of the Child. The Parliament would transmit its comments in that regard to the Government in the spring.

8. However, the severe economic recession with which Finland had been faced since the early 1990s and the resulting budget restrictions had led to a high rate of unemployment and had proved detrimental to the situation of children and their families and to the various social security systems. Nevertheless, the public authorities were endeavouring to ensure that the most vulnerable groups (children living in difficult conditions, disabled persons and minorities) were not affected by those measures. The appropriations for remedial and specialized education had been slightly reduced and some municipalities lacked the resources needed to respond to all applications for the placement of children in reception centres. The Government was trying to overcome those difficulties in order to ensure the availability of child protection services in all municipalities.

9. The CHAIRPERSON invited the Finnish delegation and the members of the Committee to consider the section entitled "General measures of implementation" (questions 1 to 9 on the list of issues (CRC/C.11/WP.6)).

10. Mrs. SARDENBERG welcomed the progress that had been made in child protection and hoped that the delegation would provide more information on the effects of the constitutional reform on the formulation of policies in favour of children. She noted with satisfaction that a report on the policy in respect of child protection had been submitted to the Parliament and wished to know how that report had been followed up. What consequences would it have on the implementation of the Convention? She commended the proposal submitted to

Parliament that an ombudsman should be appointed to supervise child protection and asked whether Finland intended to ratify the Hague Convention on Intercountry Adoption. She also welcomed the measures taken to reduce infant mortality caused by accidents and to combat infant allergic diseases.

11. She commended the critical tone of the report and asked to what extent the Convention had helped to change social attitudes towards children, who were now regarded as persons in their own right. She wished to know whether civilian bodies, particularly non-governmental organizations, had participated in the preparation of the initial report to the Committee and whether they would continue to play a role in the implementation of the Committee's recommendations. In her opinion, the report not only provided highly useful information, but also had an important role to play in disseminating the principles of the Convention. What measures did the Finnish Government intend to take to enhance public awareness of the rights of the child?

12. Mr. HAMMARBERG emphasized that the economic and budget difficulties that had led to a high rate of unemployment and restrictions in some social services, as well as the effects of decentralization and privatization, were putting the implementation of the Convention to the test.

13. In particular, he wished to have details about the practical application of article 4. In Finland, families with children seemed to be the main victims of some inequalities that were apparently the result of the financial restrictions imposed in the field of education and social services. Consequently, the Finnish delegation might wish to inform the Committee of the measures that the Government had taken to ensure that local public authorities did not unnecessarily reduce the services available for children. He also asked whether the Finnish Government really intended to appoint a parliamentary ombudsman with the specific task of protecting the interests of children. Moreover, in a society where the local communities enjoyed a relatively large degree of autonomy, it might be deemed necessary to establish an independent system to monitor decisions taken by local public authorities.

14. Mrs. BADRAN said that she shared Mr. Hammarberg's misgivings about the effects of budget restrictions on programmes and services for the benefit of children, particularly in the field of education and nutrition. She wondered whether those programmes and services might be given priority in the national budget if a national ombudsman for children was appointed.

15. Mrs. KARP asked what effects the decentralization and privatization of social services would have on the quality of the care to which children were entitled. She also wished to know whether any control was exercised over decisions by the local public authorities in that field.

16. Mrs. HANSSON (Finland) said that, although the Finnish Government would be able to give more detailed replies to the questions asked by the members of the Committee at a later date, she could already answer some of those questions. For example, the amendments to the Finnish Constitution had actually strengthened the rights of the child as set forth in the legislation. With regard to the publicity given to international human rights instruments, such as the Convention, although the general public was certainly not fully

familiar with their content, the amendments made to the Constitution with a view to strengthening Finland's commitments under those instruments had been duly brought to the attention of the population.

17. Mrs. HEILIÖ (Finland) said that Finnish society's attitude towards children had changed considerably since the beginning of the century. For example, in 1948, a new bill had been adopted which guaranteed the status of the child as an individual entitled to receive an appropriate education in order to become an independent person. The subsequent ratification of the Convention had been a further step towards full recognition of the rights of the child.

18. With regard to participation by non-governmental organizations in the preparation of the initial report of Finland, she indicated that NGOs had been duly consulted and invited to comment on the situation and legislation relating to the rights of the child in Finland, that the dialogue was continuing and that the Government was perfectly willing to listen to any criticism of its report that might be expressed. The Government was also trying to ensure that all members of Parliament and the general public were fully informed of the aims and principles set forth in the Convention. To that end, numerous exchanges of views were being organized at the local and national levels and many documents were being published to increase public awareness.

19. In the environmental field, Finland had adopted new legislation to combat pollution and regulate air-conditioning standards, particularly in kindergartens and schools.

20. Mrs. HANSSON (Finland), replying to the questions on the decentralization and privatization of services and, in particular, social and educational services for children, said that the Finnish Parliament had undertaken to draw up legislation under which local and provincial public authorities would be empowered to supervise private services that were nevertheless not predominant everywhere. With regard to the implementation of article 4 of the Convention and the effects of budget restrictions, particularly on the situation of families with children, she said that those families had undoubtedly suffered more than others from the necessary restrictions. The Finnish Government would be transmitting supplementary written information and statistics on that subject.

21. Mrs. KAIVOSOJA (Finland) confirmed that, in Finland, the decision-making process in the educational sector had been largely decentralized and the municipalities and even the schools enjoyed a large degree of autonomy with regard to the drafting of curricula and the provision of special services for children experiencing difficulties in their studies. Nevertheless, the National Educational Council exercised general supervision over the municipalities. For example, it had recently conducted a survey on the effects of budget restrictions on the quality of educational services in schools run by the various municipalities and the results of that survey, which were expected to be available in early February 1996, would be duly communicated to the Committee.

22. Mrs. HEILIÖ (Finland), replying to the questions on the appointment of an ombudsman, said that the Finnish authorities felt that it was impossible to establish a vast structure requiring a large staff; they had deemed it preferable to appoint one or more persons responsible for: (i) informing the general public, particularly magistrates and Government officials, of the rights set forth in the international instruments and, if necessary, studying the possibility of amending the legislation in a manner consistent with those instruments; and (ii) coordinating the activities of administrative services in several areas, such as social affairs, health, social security and education. The national ombudsman for children could be attached to the institution that already existed and could be responsible primarily for protecting interests of children, particularly those who found themselves in a precarious situation or whose rights were threatened.

23. Mr. HAMMARBERG said that the Committee was greatly in favour of the principle that each State party to the Convention should establish an independent mechanism to supervise the implementation of the Convention and collect information and viewpoints on the way in which the rights of the child were being promoted and protected. However, the exact form that such a mechanism should take should be left to the discretion of each country.

24. On the question of budget restrictions, he thought that the concept of "basic means of subsistence", which should be guaranteed, might be open to varying interpretations and he wondered whether that guarantee really afforded protection against any new restriction on social expenditure. Moreover, the replies provided by the Finnish delegation seemed to indicate that the only analyses carried out concerning the effects of those budget restrictions were of a statistical nature and failed to consider the direct material and psychological impact on family life. He wished to know whether plans had been made to study that other aspect. With regard to international cooperation, he asked whether the Finnish authorities had conducted a study to determine the impact that their development aid programmes were having on children.

25. Mrs. KARP said that she wondered whether, as a result of budget restrictions required by the economic situation, municipalities might not have a tendency systematically to take the least costly decisions in the field of social assistance to the detriment of potentially more effective solutions. She also asked whether some of the cases that had been brought before the European Court of Human Rights related to the rights of the child and, if so, what the outcome had been.

26. Mrs. BADRAN said that she wished to know whether teachers, who were already taking part in the drafting of school curricula, were also involved in the debates on the establishment of the education budget. Likewise, did the persons involved in the various social sectors have an opportunity to discuss budget restrictions? Moreover, in the field of international cooperation, it sometimes happened that beneficiary countries did not define aid to children as a priority. How could the Finnish authorities ensure that a certain proportion of the aid that they provided was earmarked for children?

27. Mrs. SARDENBERG said she had the impression that the preparation of the report might have posed some coordination problems. She would be interested to know whether the Finnish authorities intended to take measures to improve

coordination in that regard. Moreover, the report indicated that a "structural indifference" to children which could be observed in Finland formed part of the difficulties impeding the harmonization of measures to promote and protect the rights of the child. She would like to have more precise information on that "structural indifference" and also thought that it would be useful to have clarifications about the possibility, as mentioned in the report, of organizing the distribution of resources by age group. Lastly, she asked whether the Convention had been translated into the Saami language.

The meeting was suspended at 4.45 p.m. and resumed at 5.05 p.m.

28. Mr. LÄHTEINEN (Finland) admitted that, when a Government decided to restrict public spending in a period of recession, those restrictions inevitably affected the most vulnerable groups which were largely dependent on social security. Several studies on the consequences of those budget restrictions had shown that the most severely affected households were those comprising at least one unemployed person. It should nevertheless be emphasized that the Finnish authorities had not reduced the subsistence allowances that constituted the last bulwark against exclusion. That meant that about 10 per cent of the population continued to receive the benefits to which they had previously been entitled. However, the situation in that regard was still in a state of flux in view of the current debate on the idea that everyone should derive more income from his work than from social benefits. Discussions were also taking place on the forthcoming budget restrictions to be imposed in the field of social security, but, it could already be affirmed that families with children would not be affected.

29. Mrs. HANSSON (Finland) said that, owing to the severe economic problems it had encountered in the early 1990s, Finland had temporarily had to abandon the goal of allocating 0.7 per cent of its GDP to international cooperation. However, the restrictions in that regard had not affected the child-related projects that were currently under way.

30. With regard to the responsibilities of municipalities in the field of social assistance, she pointed out that, although the system of State financing of municipalities had changed, the legislation had not and the municipalities still had an obligation to offer social and educational services to the entire population living within their jurisdiction. They nevertheless enjoyed greater freedom of action to determine the way in which they wished to organize those services. Although the State did not regulate in detail the way in which social services should be provided, it issued general guidelines for that purpose. In that regard, the authorities stressed, in particular, the need to avoid restricting the services intended for children in a difficult situation or for persons suffering from handicaps, for example.

31. Mrs. KAIVOSOJA (Finland) said that there were various ways in which teachers could give their opinion on the distribution of educational budgets. For example, they had the right to be represented on each municipality's school council in which budgetary questions were discussed. Likewise, whenever the Government was preparing an amendment to the legislation, it had to negotiate with the persons concerned i.e. in the case of education, with teachers' organizations.

32. Mrs. HEILIÖ (Finland) said that the Finnish authorities had discovered the phenomenon of structural indifference towards children, which was mentioned in paragraph 27 of the report, when it had been found to be impossible to study children's living conditions on the basis of the available statistics. Measures had been taken to attempt to improve the situation and each administrative unit was currently responsible for improving the statistics in that connection. The ombudsman could also be regarded as a sort of focal point at which all the national data concerning the promotion and protection of the rights of the child were received and retransmitted to the services directly concerned. In that sense, the ombudsman could be regarded as playing a coordinating role.

33. It had also been noted that the number of children living in families receiving subsistence allowances was constantly increasing, while the number of elderly persons receiving the same allowances was not increasing. That implied that the social system was taking better care of elderly persons than of children.

34. Mrs. HANSSON (Finland), replying to a question from Mr. Hammarberg, said that the Convention on the Rights of the Child had not yet been translated into Saami. The linguistic and cultural rights of the Saamis, the Romanies and the other minorities were guaranteed in the amendments to the Constitution. However, there were also about 6,000 Saamis living in the most northerly municipalities in Finland and it was not easy to provide them with all the health care and services to which they were entitled. The problems were attributable to distances and to the shortage of qualified personnel speaking their language, particularly as there were in fact three different Saami dialects which were not mutually comprehensible to their respective speakers. The Finnish Ministry of Social Affairs and Health was working together with the provincial administration of Lapland on a project designed to take stock of the services provided to the Saamis.

35. With regard to the matters pending before the European Court of Human Rights, the Finnish delegation would provide the Committee with information at the next meeting.

36. The CHAIRPERSON invited the members of the Committee to present their questions and comments on the "Definition of the child" (question 10 on the list of issues (CRC/C.11/WP.6)).

37. Mr. KOLOSOV noted that children between 15 and 17 years of age could work full time in Finland (para. 112 of the report), i.e. as much as adults. However, in many countries with highly developed legislation, minors aged 18 or under could not do so. He would like to know the reason for that legislative provision, which did not seem to protect minors from a long working day.

38. Noting that, under the Penal Code reform, it was proposed that the age at which a child could consent to sexual relations should be lowered from 16 to 15 years (para. 113 of the report), he wondered whether that change was motivated by the best interests of the child or by a general trend in that regard and, in the latter case, he wished to know how Finnish society viewed that trend.

39. Mrs. HANSSON (Finland) said that, in both fields, there were a number of provisions designed to protect children and her delegation would be providing the Committee with information on that subject at its next meeting.

40. Mrs. KARP understood that children could consult a medical practitioner or a psychologist on any matter of concern to them. Was there a minimum age limit in that regard? Moreover, if it was vis-à-vis the child, rather than the child's parents or legal representatives, that the therapist had an ethical obligation to maintain confidentiality, what would he do when the child had health problems - if test results showed that the child was seropositive, for example - and when, in the therapist's opinion, it would be in the best interests of the child to notify the parents, although the child was opposed to such notification? Would the child's decision prevail or was there a way to override the child's decision?

41. Mrs. HEILIÖ (Finland) said that the question raised by Mrs. Karp had recently formed the subject of a debate in the Finnish press, not on the results of a seropositivity test, but on the prescription of contraceptives for very young girls. School doctors very often prescribed them without informing the parents if the child did not want them to be informed. The most widely held opinion was that that was acceptable if the child was over 12 years of age. However, child protection was also a policy required by law and the Finnish authorities were therefore trying to persuade doctors and other therapists to disregard the obligation to maintain medical confidentiality in cases in which the child really needed help, but did not want his or her parents to be informed of the situation. In such cases, social workers, and possibly other adults, would discuss the situation with the child.

42. The CHAIRPERSON invited the members of the Committee to present their questions and comments on "General principles" (questions 11 to 14 on the list of issues).

43. Mr. HAMMARBERG requested additional information on the educational possibilities available to Saami and Romani children. In what language were Romani children taught? What was the situation in regard to their school attendance?

44. Moreover, with regard to the amendments proposed by the committee that had been appointed in 1994 to look into the procedural defects obstructing the implementation of the best interests principle in legal decision-making processes (p. 5 of the report and pp. 5 and 6 of the written replies), he wished to know whether a decision had been taken thereon or whether they were still proposals. If a "non-voluntary" social protection measure was decided on by a municipal council (p. 5 of the written replies), was that decision subject to "judicial review" as required by the Convention (art. 9, para. 1)? What were the difficulties that had led that committee to believe that municipal social workers should be given legal support with a view to the preparation of social protection decisions and procedures for children (p. 6 of the written replies)?

45. Mrs. KARP said that she wished to know who was the "trustee" appointed in the event of a conflict of interests between the child and the child's

custodian (para. 102 of the report). Was he a social worker or a jurist? Was it his task to express the child's wishes or to determine the child's best interests, even if, in his opinion, those interests ran counter to the wishes expressed by the child?

46. Mr. KOLOSOV said he feared that the reduction in the number of courses in Finnish that were organized for the benefit of children speaking foreign languages (para. 129 of the report) concerned only foreign schoolchildren. That would be a violation of the Convention, under which States parties had an obligation to "ensure the rights set forth in the present Convention to each child within their jurisdiction" (art. 2, para. 1) and not solely to children holding the citizenship of the State party. Moreover, in his view, that reduction seemed paradoxical at a time when, according to information received by the Committee, supplementary examinations in Finnish were imposed on foreign schoolchildren. He would be happy to receive some clarifications on that subject.

47. Mrs. KARP asked whether there might be a risk of discrimination owing to the disparity between the services offered to children in the different municipalities, which enjoyed a certain degree of freedom in that regard. Did children also have access to those services in the northern regions and in the most densely populated urban regions?

48. Mrs. KAIVOSOJA (Finland) said that the right of the children of Romanies, Saamis or other minorities to attend school was protected by the law, regardless of their nationality. According to the legislation in force in 1995, those children could be taught in their mother tongue and could study Finnish or Swedish at a subsequent stage. It was the municipality that determined the languages to be taught. If there were four or more pupils speaking the same foreign language, the municipality would receive a State subsidy to enable it to provide them with instruction in that language. The Saami children living in the four most northerly municipalities in Finland had the right to study in Saami. As had already been pointed out, it should not be forgotten that many different languages were spoken in Finland and the number of qualified teachers capable of teaching in all those languages was still inadequate even though the situation had improved in recent years. In the autumn of 1995, an ad hoc group on the education of Romani children had published a primer in the Romani language. Moreover, children belonging to minorities, particularly refugees and asylum-seekers, were entitled to receive a preparatory education that would provide them with sufficient knowledge of the Finnish language, culture and society to enable them to follow the instruction given in schools. The same children could also benefit from special courses to help them catch up.

49. Mr. HEILIÖ (Finland), replying to the questions raised by Mr. Hammarberg, said that the recommendations mentioned on pages 5 and 6 of the written replies were still only recommendations. It was planned to submit them, for comment, to the municipalities and provincial tribunals, etc., after which new laws would be drawn up in the light of those comments. Finland was aware of the need to change its judicial system.

50. Decisions concerning the placement of a child in the custody of a foster family had formerly come within the jurisdiction of the municipal social

security councils. However, since the time when the municipalities had been granted more freedom to establish municipal bodies responsible for various questions, many of them had abolished the former social security council, which had been more competent to deal with child-related questions than the present bodies, which were responsible for all sorts of questions. Another tendency was to make the municipal social security council responsible only for "non-voluntary" placement decisions, whereas it had previously taken all placement decisions, in which its members therefore had much broader experience.

51. Since Finland was a member of the Council of Europe, parents, as well as children over 12 years of age, could contest a municipal body's decision before the courts and, if necessary, obtain legal assistance to that end. However, it was possible that the municipal body taking the initial decision might not include a jurist or a specialist in child-related questions and the Finnish authorities were therefore hoping to raise the standard of qualifications of its members, particularly in the legal field.

The meeting rose at 6.05 p.m.